

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

August 3, 2006

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 3, 2006, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Harold Warner Jr., Chair; Darrell Downing Vice-Chair; John W. McKay Jr.; Bill Johnson (In @ 1:33); Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Denise Sherman; Bud Hentzen. Don Anderson; Ronald Marnell; Morris K. Dunlap; Michael Gisick and Hoyt Hillman were not present. Staff members present were: John L. Schlegel, Secretary; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Jess McNeely, Senior Planner; and Maryann Crockett, Recording Secretary.

1. Approval of July 20, 2006 MAPC minutes.

ALDRICH referenced Page 24, Case ZON2006-15. He said the minutes reflected a vote of 13-0. He said he left the meeting early and was not part of that vote, so the vote should read 12-0.

MOTION: To approve the July 20, 2006 MAPC meeting minutes as corrected.

ALDRICH moved, **DOWNING** seconded the motion, and it carried (8-0).

❖ SUBDIVISION ITEMS

2. Consideration of Subdivision Committee recommendations.

2-1. SUB 2006-69: One-Step Final Plat -- NORTHWEST METHODIST ADDITION, located north of 29th Street north and on the east side of Tyler Road.

NOTE: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. **City Water and Sewer Department** advises that water is available, but was not assessed. Therefore fees in lieu of assessment regarding water service (in addition to tap and equity fees) are required. The current fee in lieu of assessment for commercial development is \$16 per lineal foot of frontage. An extension for sewer lateral is needed. The property has been assessed previously for sewer main.
- B. **City Engineering** requests a proposed sewer layout. Off-site easements may be needed.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved subject to conditions. An off-site drainage easement is needed. The survey needs to be based on NGVD and Mean Sea Level.**
- E. **Traffic Engineering** has requested the dedication of access controls along Tyler. Access control shall be denoted along the frontage except for two openings in accordance with the site plan. The final plat tracing shall reference the dedication of access controls in the plat's text.
- F. **Traffic Engineering** needs to comment on the need for additional right-of-way along Tyler. The Subdivision Regulations require a 60-foot half-street right-of-way width along urban arterials. **An additional 10' dedication of right-of-way is needed.**
- G. The final plat tracing shall state in the plat's text the purposes of the proposed reserves as well as the ownership and maintenance responsibilities.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **BISHOP** seconded the motion, and it carried 9-0.

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- 2-2. SUB 2006-29: Final Plat -- TURKEY CREEK 3RD ADDITION.** located on the north side of Pawnee and on the east side of 135th Street West.

NOTE: This is an unplatted site located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. Petitions are needed for water distribution system and for water supply line extension in Pawnee. Sewer petitions are needed for sewer lateral. The property was in a previous Sanitary Sewer Main Benefit District.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **A flood study is requested from County Engineering. City Engineering has approved the drainage plan subject to conditions. Lots 36 & 64, Blk H should have a min. pad elevation listed on the plat.**
- E. **County Engineering has requested that 135th St. W. be paved adjacent to the plat. Traffic Engineering has requested left turn lanes along Pawnee into Liberty.**
- F. The plat proposes two street openings to both 135th St. West and Pawnee. The final plat shall reference the dedication of access controls in the plat's text. **Access controls are approved.**
- G. **County Public Works** requests that the City of Wichita should annex 135th St. W. and Pawnee.
- H. The plat's text should contain language that owners of the reserves shall bear the cost of any repair or replacement of improvements within said reserves resulting from street construction, repair, or maintenance.
- I. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- J. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-

NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.

- K. Since a Reserve includes a swimming pool, a site plan shall be submitted with the final plat, for review and approval by the Planning Director. The site plan shall include the information indicated in the Subdivision Regulations. Otherwise a conditional use and public hearing will be needed in the future. The design for the pool must be submitted to **Environmental Services** for review prior to issuing a building permit for the pool.
- L. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's south property line and driving surface for Pawnee.
- M. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- N. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- O. **GIS** needs to comment on the plat's street names. **New street names are needed.**
- P. "Lots, Blocks, Reserves and Streets" shall be referenced in the plat's text.
- Q. Lot 22, Block A needs to be included.
- R. Ownership information needs to be updated for AT&SF line.
- S. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- T. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- AA. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- BB. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

NEIL STRAHL, Planning Staff, presented the staff report.

PHIL MEYER, BAUGHMAN CO., stated that he was present to protest the requirement to pave 135th St. He said of the approximately 550 lots being developed, it would be eight to ten years before the development is completed and reaches the west edge along 135th Street. He said the City's current policy specifies that if you have a paved road to a subdivision, paving of both arterial accesses is not required. He stated that Pawnee was paved and that there were two entrances into the subdivision from Pawnee. He said development was due to start on the east side of the subdivision and move west. He said if the MAPC was willing to drop the paving requirement, the developer would be willing to supply the County with a restrictive covenant until pavement is in place.

ALDRICH clarified that there would be no access from the development onto 135th Street until it was paved.

MEYER responded that was correct.

There was brief discussion among staff concerning process and procedure.

STRAHL explained that annexation would occur prior to platting, because annexation was needed in order to get proper zoning.

MITCHELL commented that the Subdivision Committee wanted the applicant and County to work out an agreement that access to the plat wouldn't happen before 135th Street was paved; however, he said the proposal satisfies what the Committee was trying to accomplish.

BISHOP asked what the County would you like to see happen with the case?

JIM WEBER, County Engineering, stated that the County was in agreement with the applicant and felt the deal they had worked out made sense.

MOTION: Approve, subject to staff comments, and the covenant that has been offered by the applicant.

MITCHELL moved, **ALDRICH** seconded the motion, and it carried (8-1) **BISHOP** opposed.

❖ **PUBLIC HEARINGS**
ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 P.M.

3. Request: DR 2004-10: Subdivision Regulation Amendments -- Utility Easements.

As included in the attached ordinance, the following revisions are proposed to clarify the need for additional easements associated with lot splits or vacation cases.

Where an existing lot is already served by any public utility in existing easements, and the easements are less than the minimum width established in this section, additional easements up to the minimum width should be provided when there is a request for a lot split or a vacation of a portion of the lot.

Prior to the approval of the lot split or vacation, and within the time provided in Article 6, the appropriate utility that will use the additional easement shall take the following actions:

- (1) All of the owners of lots along the entire block shall be contacted by the utility or the appropriate City/County staff to dedicate such similar additional easements. All property owners shall be informed that the expanded easement improves accessibility for maintenance and repairs and protection of workers.
- (2) The utility shall allow pre-existing encroachments to remain and hold property owners harmless from damage to the pre-existing encroachments resulting from the utility's work in the additional easement.
- (3) The utility shall offer one-hundred dollars (\$100) to each property owner for the additional easement.

NEIL STRAHL, Planning Staff, presented the staff report. He stated that Don Kirkland from the Water and Sewer Department was present to answer any questions.

STRAHL fielded several questions relative to whether adjacent property owners had to agree to the additional easement; whether it was optional for the subject property; and whether the subject property owner was compensated also. He said it was his understanding that as long as paragraphs (1) – (3) are complied with, then the dedication should be made. He explained that the wording reads "shall", but admitted that in practice; the City has never had an applicant reject a dedication request.

BISHOP commented about the substandard easements in older parts of town and how this ordinance might affect those areas.

DON KIRKLAND WATER & SEWER DEPARTMENT stated that they do between ten and twenty of these types of easements a year on average and not all of them were in areas that have substandard easements. He said he did not see this as a major hardship.

BISHOP asked if more than one utility is located in the easement, would the adjacent property owner be paid a \$100 payment from each utility?

JOE LANG, LAW DEPARTMENT, clarified that the intent of the ordinance was to pay adjacent property owners \$100 for the utility easement itself, regardless of how many "utilities" used the easement and not \$100 for each individual utility per se.

HENTZEN commented that he felt this was a satisfactory way for the City to obtain easements on other properties in the same lot. He said Property Management can decide who pays the cost.

WARNER clarified that the City is responsible for notification and payment of the fee.

KIRKLAND said that was his understanding.

There was general discussion concerning language in the proposed ordinance.

JOE LANG suggested that the Law Department work with Planning Staff to formulate language to meet with MAPC approval. He said it could be specified that funds to pay property owners for the easement would come from Water and Sewer Department Budget. In addition, he offered to bring the revised ordinance back to the Commission for a final review.

MOTION: To adopt the ordinance and instruct the Law Department and Planning Staff to revise the wording to better reflect the MAPC's intent.

ALDRICH moved, **HENTZEN** seconded the motion, and it carried (9-0).

Responding to a staff question, **ALDRICH** said he did not feel it was necessary to bring the revised item back to the Commission for review.

4. **Request: Proposed Sedgwick County 2007-2011 Capital Improvement Program (CIP) Presented by:
Pete Giroux, Sedgwick County Division of Finance**



C-07 CIP budget
show to MAPC ...

PETE GIROUX, Sedgwick County Finance Division, briefly reviewed several reasons for increased project costs including the rise in fuel costs and asphalt-based products. He also commented briefly about inflation and referred to a chart, which gave projected sales tax assumptions through 2011.

JIM WEBER, Director of Public Works for Sedgwick County, provided commission members a handout, which was a list of "Significant Projects – 2007 thru 2011 CIP (Projects over \$1,000,000)". He briefly reviewed the facility, road, bridge and drainage projects by year through 2011. He commented that several projects had been moved or revised due to input from the Wichita Area Metropolitan Planning Organization (WAMPO). He added that several projects included funding matches with small cities, the Kansas Department of Transportation (KDOT) and/or federal funding.

ALDRICH asked why bridges were not included in the County's preventative maintenance program.

WEBER responded that the County had a full time bridge crew. He said pavement work, however, was done under contract. He remarked that it was a valid question and clarified that major bridge repair was incorporated into the CIP.

It was also noted that a comment in the Executive Summary of the CIP document regarding the Board of County Commissioner's position three years ago was dated and probably needed to be deleted from the report.

MOTION: The MAPC concurred that the 2007-2011 Sedgwick County Capital Improvement Program (CIP) was consistent with the Wichita-Sedgwick County Comprehensive Plan.

DOWNING moved, **HENTZEN** seconded the motion, and it carried 9-0.

BISHOP requested staff advise.

SCHLEGEL commented that staff supported the CIP as presented and felt that it was consistent with the Comprehensive Plan.

The Metropolitan Area Planning Department informally adjourned at 2:32 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on

_____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2006.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)